



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: **Howard J. Glaser** Assignee: **International Business Machines Corporation**
Application No.: **09/687,412** Customer No.: **24852**
Confirmation No.: **1235** Group Art Unit: **2122**
Filing Date: **October 12, 2000** Examiner: **Kenneth A. Gross**

Title: **METHOD, SYSTEM, COMPUTER PROGRAM PRODUCT, AND ARTICLE OF MANUFACTURE FOR UPDATING A COMPUTER PROGRAM ACCORDING TO A STORED CONFIGURATION**

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: August 11, 2003

Person mailing paper/fee: Prentiss Wayne Johnson

Signature: 

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321 TO OBVIATE AN OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION OVER A PENDING APPLICATION

Dear Sir:

The owner, International Business Machines Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application No. 09/687,033, filed on 10/12/2000 and pending Application No. 09/687,414, filed on 10/12/2000, of any patents granted on these pending applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on pending applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent:

expires of failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued or is in any matter terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, as the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

- ☒ The undersigned is an agent or attorney of record
- ☒ Attached is a "Certificate Under 3.73(b)," establishing the right of the assignee to take action in this case.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to sign this certificate on behalf of the assignee.

Respectfully submitted,



Prentiss Wayne Johnson, Reg. No. 33,123

Attorney for Applicant(s)

Telephone 408.463.5673

International Business Machines Corporation

Intellectual Property Law (J46/G4)

555 Bailey Avenue

San Jose, CA 95141-9989